

Testimony by Chuck Groya, 7 Road Aplin Beach, Bay City

My name is Chuck Groya. My Maureen and I have lived on Aplin Beach in Bay City for 12 years. I do not have an ID, but I have common sense and that is what we need to resolve this beach grooming issue: a common sense approach.

We moved to Aplin Beach to close to fishing, a boat launch, the beach and eventually retire and stay in our own community. Our neighborhood is comprised of many types of occupations and consists of Democrats as well as Republicans that coincide peacefully together on the beaches. The beach maintenance issue should not be a political issue.

When we purchased our property on Aplin Beach in Bay County, we were told we owned to the waters edge. The recent Supreme Court ruling also suggests we own to the waters edge. When we first moved in 1994, we had many problems with zebra mussels (pictures enclosed - #1), dead fish, dead birds and debris on the shore, this was in high and low water days. When I requested help with these problems on the shoreline, I was told by Bangor Township officials and the DEQ, that it was my property and it was my problem to clean it up. I accepted the reply and also the responsibility as a homeowner of keeping my beach clean and safe. I find it strange that now the DEQ wants control of my property.

If you listen to what the DEQ is saying in their report, it reminds me of the story of Chicken Little - "the sky is falling, the sky is falling." Well, the sky will not fall if property owners are allowed to continue to groom and clean their beach.

The definition of a wetland given by the DEQ is very vague and confusing, but what we do know, is that environmental organizations send out pictures or brochures with pictures of wetlands that rarely look anything like the beaches we live on (#2 - pictures enclosed). The only time they show human interaction is in a negative light.

There is no doubt the DEQ report is biased and result-driven. If one looked at the cover sheet, you would see the Mackinaw Bridge in the background. Wasn't the study to be about Saginaw and Grand Traverse Bay? When I inquired where the pictures from the study and their presentation were taken, the answer I received from the DEQ office was that they did not know. My question is, how can the report be submitted as evidence if they cannot provide the answer to the exact location of where the pictures were taken? The areas and the beaches owners are talking about grooming look nothing like their photos. If I had bulrushes growing like that in front of my house, I would be the happiest fisherman in the world. The reason most people bought their homes on the beaches is that they wanted to enjoy the beach; they did not buy a wetland, but documented beaches that had been there for years and years. Now, the DEQ wants to declare them wetlands. In talking with the older residents on Aplin Beach, they say we have had vegetation during low water before, but when the water returns, the wind and wave action will remove it. One of the neighbors decided to let his vegetation grow to see what kind of habitat it could attract. What grew was phragmites; the waterfowl never went into the stuff. The ducks and geese went to the mowed or groomed beaches. He said that he even had a

duck make a nest and lay her eggs under a pine tree in his yard. The only use I see for the phragmites is that the hunters use it to hide in. The waterfowl adjust to the changing conditions; the fish and the birds will survive if we groom the beaches, the sky is not falling.

The report talks about fish habitat. I have spent many days in my waders trying to catch bass on Saginaw Bay. I have caught plenty of fish in the wetland areas protected by PA14, but I have had little if any luck in catching fish in the populated beach areas that we are asking to groom. If we want to improve fishing, why does the DEQ protect the cormorants? In Grand Traverse Bay, they have small mouth bass and trout. These types of fish use rock and gravel to spawn; they do not need a lot of shoreline vegetation. There are many other factors that affect the fishing, and I know that beach grooming under PA14 has very little negative effect on fishing, the sky is not falling.

Erosion - I realize the study did not go into great detail about erosion, but I know what I see on the beaches. Wind and waves will remove vegetation as the water comes up in high impact areas that PA 14 allows groomed. In sandy areas the sand is blown up on and off the shoreline with little or no change in the beach area. What is the difference if the wind or the homeowner moves the sand? The sand is moved one way and then the other by many different forces, net result-no change, and the sky is not falling.

Run off and pollution - I do not want pollution trapped in vegetation in front of my home where I live and play. Shoreline owners are continually cleaning a variety of different types of pollution from our shoreline. The focus needs to be on keeping the pollution from reaching the water in the first place. Weeds on our beaches will not stop the excessive nutrients that are reaching the Bay. The pollutants are running in from the rivers; storm drains and ditches that empty into the Bay.

Phragmites is talked about in the report. We know the best way to get rid of these invasive plants is to groom our beaches. Groomed beaches do not and will not have phragmites. They can say that mowing and grooming **may** help spread the plant, but letting them grow will produce an abundance of seeds that will without a doubt increase the spread of this plant.

I have a book titled "*Between Land and Lake: Michigan's Great Lakes Coastal Wetlands*" written by Dennis Albert and published in December 2003. Dr. Albert was one of the scientists that conducted the DEQ study. In his book, on page 27 he has a graph that shows the changes in wetlands since 1800. (Copies enclosed - #3) I have looked at the graph with a magnifying glass and it shows little or no change of wetlands along the shoreline. All of the change has taken place inland, not on the shoreline. He also lists on page 89, "*Marshes in Lake Huron*," as I look at this list I see no mention of Aplin Beach or any other beach area. He lists the areas that are protected by PA 14, like Fish Point. (Copies enclosed - #4). Why now does the report say our grooming will hurt fishing when there will be little or no change to the shoreline marshes? The sky is not falling.

The DEQ report talks about the number of folks that requested grooming permits and suggested that they could handle that number - if you give them control. Well, we know there are a lot more shoreline owners grooming than 80 and many more are mowing. In 1964 (a period of low water) there were probably no permits requested for vegetation removal and I think the same could be said for the 70's, 80's, and 90's as well. They were just not necessary and they are not necessary today. We do not have to regulate all the daily activities of people. The State sold the land to private citizens to generate taxes. The State got what it wanted more tax money for our waterfront property. The State should not now change the rules in the middle of the game by taking back control of our property.

We also know from past experience that if we turn over control to the DEQ, a permit process will hardly ever be done in 30 days. They are consistently late and think nothing of it, just business as usual. Homeowners deserve better than the traditional slow response from the DEQ and the ACOE.

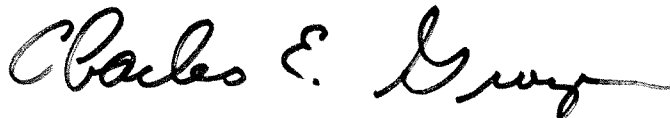
I will also say I am disappointed that the DEQ has been lobbying for their position with many of the newspapers. This is not their job! **Let the data tell the story.** Their report was late because they had to come up with their conclusions and recommendations. The recommendations should have come at a later date, after the report was analyzed and the rest of testimony was presented from all sides of this issue. Why was it that the report had to run up and down the DEQ organizational ladder before the report was turned in? Did they change any of findings to fit the results they wanted?

I'm sorry, but I do not trust the DEQ to do the job properly and be fair to the shoreline homeowners. The DEQ listens to a select group of people that agree with their vision of the shoreline. **From what I understand most of the organizations that support the DEQ's recommendations receive funding from the DEQ.**

I know that once the public is informed of all the real facts on the grooming issue they see why the shoreline owners are upset and want to groom their beaches. I am not the only citizen who is not happy with how the phragmites have been left to grow and multiply on our beach and in Bay City State Park, (# 5-picture enclosed of Bay City State Park in 1949) many people are upset (#6 Bay City Times article enclosed) and have no where to enjoy the view of the water or a beach and thousands of tourism dollars are being lost. Many of shoreline residents are retired and trying to enjoy our golden years and feel that this beach grooming issue is taking our rights away. Beach owners have a responsibility to our community and to the state to keep our beaches clean and safe so that future generations will be able to enjoy the beaches of Michigan.

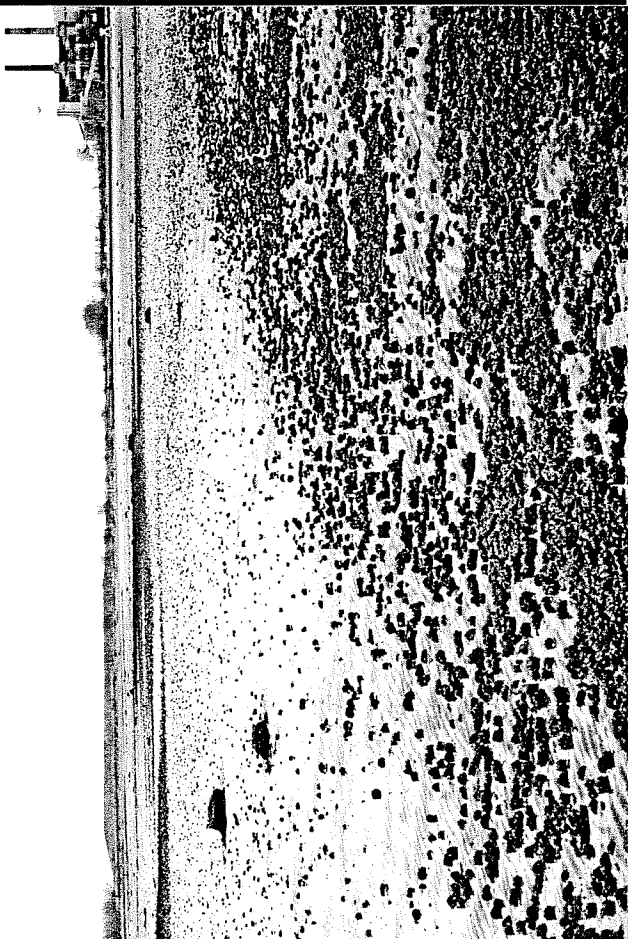
PA 14 is a good balance between protecting established wetlands and established beaches. Believe me, if PA 14 has the sunset clause removed "the sky will not fall, the sky will not fall," but Michigan can once again become the Great Lakes State.

Thank you.





#1

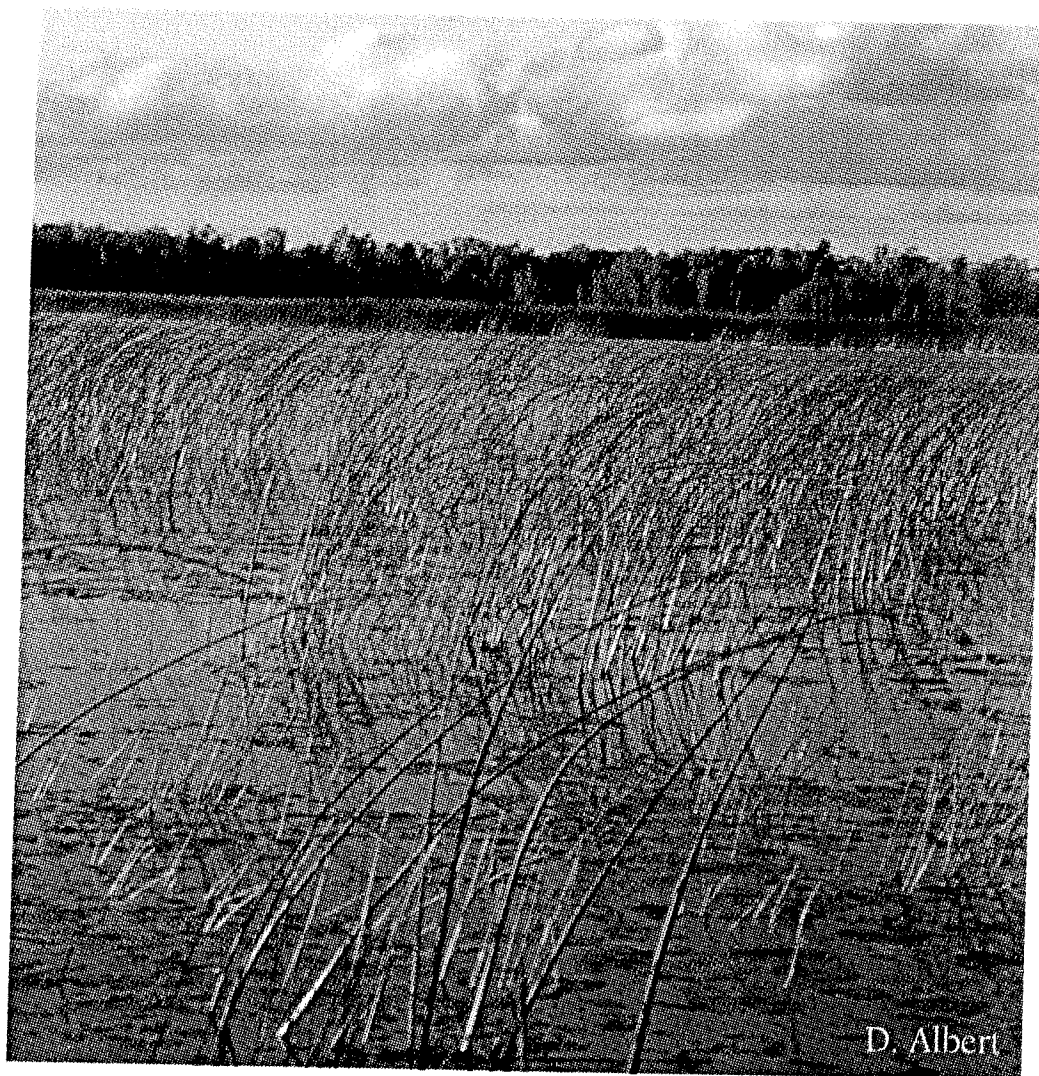


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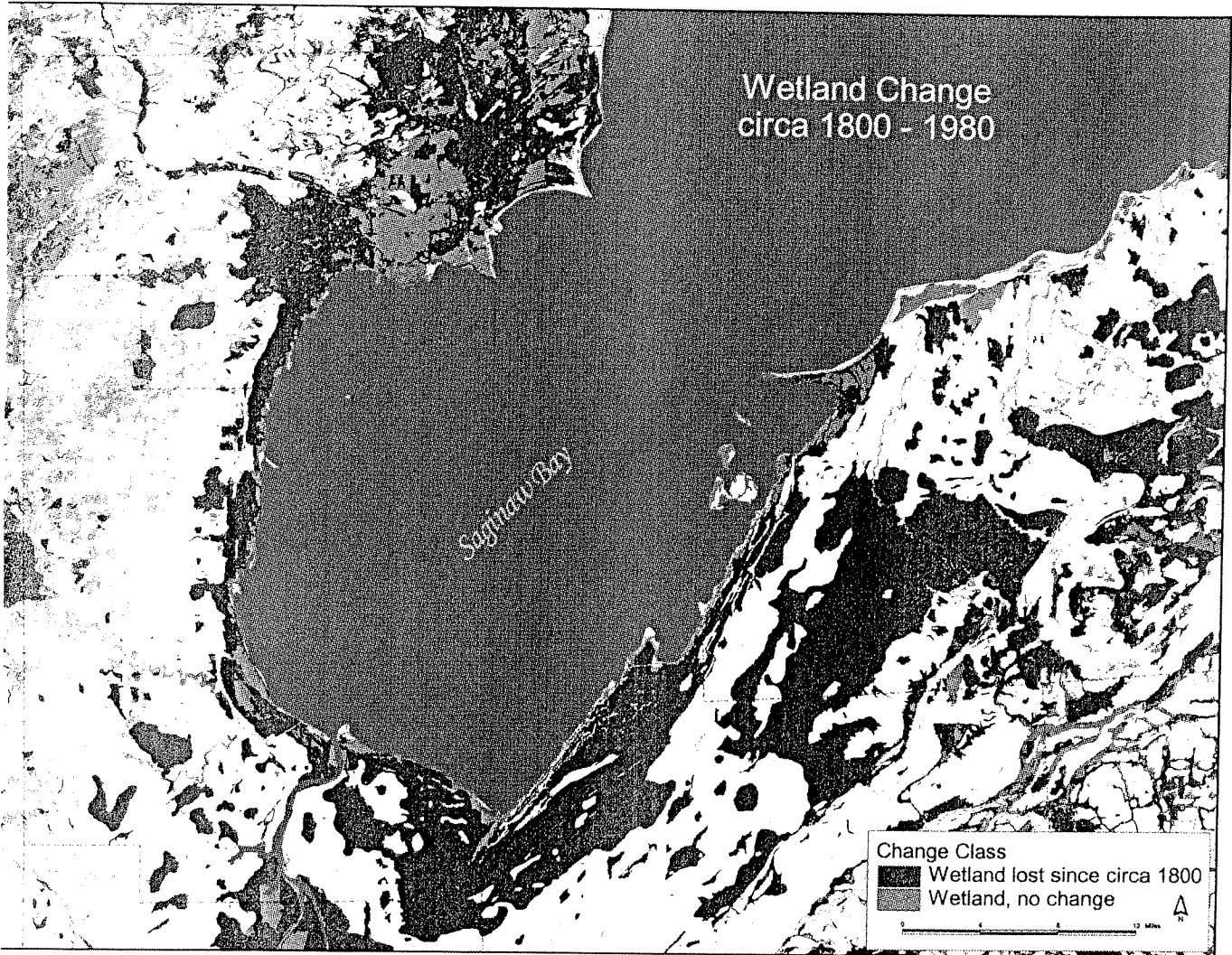
MICHIGAN WETLAND ACTION COALITION





#2

Human Land Use and Anthropogenic Stress

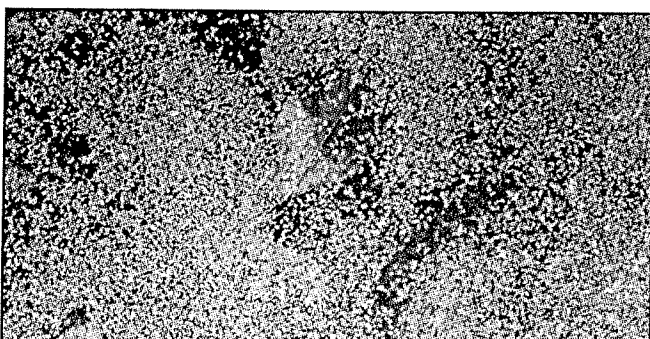


Historic wetland change on Saginaw Bay.

Lois Wolfson



D. Albert



#4 Marshes in Michigan - Lake Huron

No.	Name	Lake	Type	Ownership
6	Frenchman Creek	Detroit River	Drowned river mouth	Private
7	Clinton River	St. Clair	Delta	Metropark, private
8	St. Clair River	St. Clair	Delta	MI DNR, private
9	Hardwood Point	Huron	Open embayment	Private
10	Whiskey Harbor	Huron	Open embayment	Private
11	Sleeper/Port Crescent	Huron	Dune & swale complex	MI DNR (SP)
12	Wildfowl Bay Islands	Huron	Sand-spit embayment	MI DNR
13	Wildfowl Bay	Huron	Open embayment	Private, MI DNR
14	Fish Point	Huron	Sand-spit embayment & open embayment	MI DNR, private
15	Vanderbilt Park	Huron	Delta & open embayment	County park
16	Coryeon Point	Huron	Open embayment	Private, MI DNR
17	Tobico State Park	Huron	Barrier beach lagoon	MI DNR
18	Nayanquing	Huron	Sand-spit embayment	MI DNR **
19	Pinconning	Huron	Sand-spit embayment	County park
20	Wigwam Bay/Pine R.	Huron	Delta & open embayment	MI DNR
21	Rifle River	Huron	Delta	Private
22	Black River	Huron	Dune & swale complex	MI DNR
23	Squaw Bay	Huron	Open embayment	Private
24	Misery Bay	Huron	Open embayment	Private
25	El Cajon Bay	Huron	Protected embayment	MI DNR
26	False Presque Isle	Huron	Drowned river mouth	Private
27	Hammond Bay	Huron	Dune & swale complex	Private
28	Grass Bay	Huron	Dune & swale complex	TNC
29	Cheboygan State Park	Huron	Dune & swale complex	MI DNR
30	Carp/Pine Rivers	Huron	Dune & swale complex	Hiawatha NF (USFS)
31	St. Martins Bay	Huron	Open embayment	Private, USFS
32	Mismer Bay	Huron	Protected embayment	Private, LTC
33	Mackinac Bay	Huron	Protected embayment	Private **
34	Duck Bay	Huron	Protected embayment	TNC, MI DNR, private
35	Peck Bay	Huron	Open bay (n. fen)	Private
36	Voight Bay	Huron	Open bay (n. fen)	TNC, private
37	Big Shoal Cove	Huron	Open bay (n. fen)	Private
38	Scott Bay/Paw Point	Huron	Protected embayment	MI DNR, private
39	Burnt Island	Huron	Protected embayment	Private
40	Harbor Island	Huron	Protected embayment	Private

** Public overlook

LTC = Little Traverse Conservancy

MI DNR = Michigan Department
of Natural Resources

MNA = Michigan Nature
Association

NF = National forest

SP = State park

TNC = The Nature Conservancy

USFS = U. S. Forest Service

Bolded sites are good examples of marsh types with public access.

#5



DEQ inconsistencies

Voice: D.J. Couture,
Bay City

16

The DEQ needs to apply some balance to its policies and decision-making:

■ "Fred's" Septic Tank Service truck flips over and spills 1,000 gallons of raw sewage in someone's front yard. The DEQ would require "Fred" to clean up the spill. If Fred had a history of spills, he would be fined. Saginaw, Bay City, Essexville and Flint spill over 700 million gallons of sewage in my front yard and not only are the cities not required to clean up the spills, the DEQ will not let me clean them up, either.

■ The DEQ funds a \$50,000 study and allows chemical treatment of Houghton Lake to eliminate the weeds. Saginaw Bay beachfront owners are not allowed to remove weeds from their beaches.

■ Quote from the Sanford Lake Improvement Board Newsletter; "The non-native aquatic plant Eurasian milfoil is controlled wherever it is found in the lake. The beneficial native plants are removed

only from areas where they interfere with recreational use and enjoyment of the lake." The DEQ does not consider recreational use of the Saginaw Bay beaches to be important.

■ The DEQ conducts an annual "controlled burn" in Tobico Marsh and promotes the clear-cutting of hundreds of acres of trees surrounding my deer-hunting blind. If I penetrated the bark of a tree while hunting, or trim any branches, I could be fined thousands of dollars.

The beachfront owners understand the importance of maintaining wetlands and would be the first in line to fight against any change to the Tobico, Fish Point or Shiawassee wetlands. We just want to maintain another important resource - nice sandy beaches.

The DEQ should concentrate on maintaining the existing wetlands and stopping the sewage discharges. The beachfront owners just want a clean and safe waterfront and some balanced enforcement from the DEQ.